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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

1 Pursuant to this Court's April 25, 2018 Order following the Initial Case Management
2 Conference, the parties hereby submit this joint statement in advance of the November 5, 2016
3 Case Management Conference.

4 **MEDIATION**

5 1. Mediation: The Parties participated in a mediation on October 10, 2018 before Hon.
6 James Ware (ret.) at JAMS in San Francisco. No settlement was reached at that mediation, but the
7 Parties continue to be engaged in ongoing settlement discussions stemming from the mediation.
8 The Parties are hopeful that a resolution can be reached.

9 **PRETRIAL DATES**

10 2. Discovery to Date: As the Court is aware, Plaintiff filed his amended complaint on
11 April 30, 2018. Defendant moved to dismiss. The Court denied Defendant's motion on August 2,
12 2018. Defendant answered the complaint on August 16, 2018. From there, the Parties proceeded
13 to conduct discovery and prepare for mediation by conducting initial written and oral discovery.
14 Plaintiff's deposition was taken on September 18, 2018. On September 20, 2018 and October 4,
15 2018, Defendant produced rolling productions of responsive documents. On October 8, Plaintiff
16 conducted a Rule 30(b)(6) deposition of one of Defendant's corporate designees. The parties are
17 still actively discussing the scope and timing of the remaining production in light of the claims at
issue and mediation efforts.

18 3. Class Certification Deadlines: The current deadline for Plaintiff to file a motion for
19 class certification is December 14, 2018.

20 Plaintiff's Position- Given the pace and scope of discovery to date as well as the ongoing
21 mediation efforts, Plaintiff does not believe it is realistic to keep the deadline to file
22 Plaintiff's motion for class certification at December 18, 2018. Plaintiff suggests that the
23 deadlines laid out in the Court's Case Management and Pretrial Order on April 25, 2018
24 be continued as below:

25 - Deadline to file Class Certification Motion: February 15, 2018
26 - Deadline to file Opposition to Class Certification Motion and *Daubert* motions: April 15,
27 2018
28 - Deadline to file Reply to Class Certification Motion and Response to *Daubert* motions:

May 13, 2019

-Class Certification Hearing: At the Court's convenience.

Defendant's Position – Defendant does not oppose Plaintiff's request to extend class certification deadlines. Defendant intends to move for summary judgment on or before the Plaintiff's deadline to move for class certification.

October 29, 2018

By: s/ Stuart M. Richter

By: *s/ S. Clinton Woods*

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ATTESTATION

Pursuant to Northern District Local Rule 5-1(i)(3), the filer attests that all other signatories listed, and on whose behalf this filing is submitted, concur in the filing's content and have authorized the filing.

October 29, 2018

By: s/ *Stuart Richter*

Stuart Richter